



# CITY OF MEMPHIS

## COUNCIL AGENDA

February 9, 2010

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

---

**CALL TO ORDER by the Sergeant-at-Arms**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL by the Comptroller**

**APPROVAL OF PREVIOUS MEETING MINUTES (January 26, 2010)**

**ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ITEMS HELD OR DROPPED FROM THE AGENDA**

**PRESENTATIONS AND RECOGNITION OF VISITORS**

1. RESOLUTION honoring the Stone Awards event and its positive impact in the community.

Ford

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION honoring Will Hudson, General Manager of MATA on his induction into the Tennessee Transportation Hall of Fame, his role as president of the Tennessee Public Transportation Association and his overall commitment to the community.

Boyd

ACTION REQUESTED: Adopt the resolution

**PUBLIC HEARINGS**

3. RESOLUTION approving a use variance located on the northwest corner of Lamar Avenue and Central Avenue, containing 2.1 acres in the Highway Commercial (C-H) District. (Held from 01/26)

Ford

Case No. UV 09-05

Applicant: Memphis Housing, LLC (Tony Crosby and Joe Harris)  
SR Consulting (Cindy Reaves) – Representative

Request: A use variance for an Assisted Living Facility

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**92 NOTICES MAILED ON JANUARY 15, 2010**

4. RESOLUTION approving a planned development located on the southeast corner of Overton Crossing Road and Frayser Boulevard, containing 8.32 acres in an area currently governed by K-Mart Planned Development (PD 87-325).

Ford

Case No. PD 09-326

Applicant: Memphis Business Academy (Anthony Anderson)  
Fisher and Arnold, Inc. – Representative

Request: Planned development to allow Planned Commercial (C-P) District land uses, including a charter school for 550 middle and high school students

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**76 NOTICES MAILED ON JANUARY 29, 2010**

**DIVISION OF PLANNING & DEVELOPMENT**

5. RESOLUTION approving a hotel waiver for Real Value Inn located at 3896 Lamar. (Held from 01/26)

Ford

Case No. HMW 09-05

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION approving a time extension on a hotel waiver for Econo Lodge Inn & Suites, located at 2745 Airways Boulevard.

Ford

Case No. HMW 08-04

ACTION REQUESTED: Adopt the resolution

**ZONING ORDINANCE – THIRD AND FINAL READING** (None)



# CITY OF MEMPHIS

## COUNCIL AGENDA

February 9, 2010

Public Session, Tuesday, 3:30p.m.

Council Chambers, First Floor, City Hall

125 N. Main Street

Memphis, TN 38103-2017

## CONSENT AGENDA

### GENERAL ORDINANCE - FIRST READING

7. **REFERENDUM ORDINANCE** amending Article 27, Section 190 of The Charter of the City of Memphis, same being Chapter 11 of the Acts of 1879, Pursuant to the Provisions of Article 11, Section 9 of the Constitution of the State of Tennessee Home Rule Amendment so as to require all persons employed by the City of Memphis, to live within Shelby County, Tennessee, up for F I R S T reading.

Strickland

Ordinance No. 5345

ACTION REQUESTED: Adopt the ordinance on First reading

### GENERAL ORDINANCE - SECOND READING

8. **ORDINANCE** to amend the Code of Ethics Ordinance 5206, Chapter 2.5, Article I, Section 2-10-5 (1), up for S E C O N D reading.

Strickland &  
Collins

Ordinance No. 5344

ACTION REQUESTED: Adopt the ordinance on Second reading

### ZONING ORDINANCE - FIRST READING (None)

### ZONING ORDINANCE - SECOND READING (None)

### ENGINEERING (None)

### NOTATION FROM OPD (None)

**NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

**ACTION REQUESTED:** Set a date of public hearing

**SUGGESTED DATE:**



# CITY OF MEMPHIS

## COUNCIL AGENDA

February 9, 2010

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

---

### MLGW FISCAL CONSENT

9. RESOLUTION approving Change No. 5 to Contract No. 11061, Wireless Telephone Services, with AT&T Mobility, in the funded amount of \$127,687.44. (This renews the contract for the fourth and final renewal term, April 3, 2010 to April 2, 2011).
10. RESOLUTION awarding 36-month contract for concrete standards to Ruffin & Associates, Inc. in the amount of \$1,984,356.00.
11. RESOLUTION giving the Vice President and General Counsel settlement authority to pay a claim in the amount of \$65,755.00.



# CITY OF MEMPHIS

## COUNCIL AGENDA

February 9, 2010

Public Session, Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 N. Main Street

Memphis, TN 38103-2017

---

## REGULAR AGENDA

### GENERAL ORDINANCES -THIRD AND FINAL READING

12. **ORDINANCE** to amend Chapter 28, Article VI, Division 3, of the Code of Ordinances, so as to reduce the number of allowable False Alarms, include civil damages and add notification process of alarm users operating without a permit, up for T H I R D and F I N A L reading. (Held from 10/20; 11/03)

Hedgepeth

Ordinance No. 5328

ACTION REQUESTED: Take whatever action Council deems advisable

13. **ORDINANCE** amending Chapter 2, Article V, Division 3, of the Code of Ordinances, to establish requirements for a City of Memphis Fleet and Employee Take Home Vehicles, up for T H I R D and F I N A L reading. (Held from 8/4; 8/18; 9/1; 9/15; 12/1; 1/12; 1/26)

Flinn

Ordinance No. 5323

ACTION REQUESTED: Take whatever action Council deems advisable

**ENGINEERING DIVISION** (None)

### **EXECUTIVE DIVISION**

14. **RESOLUTION** accepting \$453,197.68 from Sprint Nextel to City of Memphis, to reconfigure the 800 MHz frequency band where City of Memphis radios are on said frequency. Pursuant to the mandate, Sprint Nextel will reimburse the costs associated with the reconfiguration

Conrad

ACTION REQUESTED: Adopt the resolution

15. **RESOLUTION** accepting \$6,933.00 per month (\$83,196.00 annually) from MHA to the City of Memphis IS Division, for technology based services and MHA will reimburse the City of Memphis IS Division up to \$1,200,000.00 for expenditures made on behalf of MHA for hardware/software purchases/installation/support/maintenance agreements and local/long distance/cellular phone expenses.

Conrad

ACTION REQUESTED: Adopt the resolution

**FINANCE & ADMINISTRATION** (None)

**DIVISION OF FIRE SERVICES** (None)

**DIVISION OF GENERAL SERVICES** (None)

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT** (None)

**DIVISION OF HUMAN RESOURCES**

16. RESOLUTION approving the City's Federal Legislative Package.  
Strickland

ACTION REQUESTED: Adopt the resolution

**LAW DIVISION** (None)

**MLGW DIVISION** (None)

**PARK SERVICES** (None)

**DIVISION OF POLICE SERVICES** (None)

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS**

17. RESOLUTION approving changes to the Speed Hump Policy.  
Hedgepeth

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEM**

18. RESOLUTION amending the FY 2010 Operating Budget by appropriating an additional \$50,000.00 for the Tire Redemption Program. (Held from 1/26)  
Collins

ACTION REQUESTED: Adopt the resolution

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**

**ADD-ONS**

19. RESOLUTION reclassifying positions at the Local Workforce Investment Agency (LWIA-13) to comply with the recommendations by the State of Tennessee Department of Labor and Workforce Development Division.

Strickland

ACTION REQUESTED: Adopt the resolution

20. RESOLUTION amending FY 2010 Operating Budget by appropriating \$2,000,000.00 (two million dollars) to the MED for a one time emergency grant to ensure this institution continues to operate.

Brown

ACTION REQUESTED: Adopt the resolution

21. **APPOINTMENTS**

Strickland

**City Attorney**

Re-appointment

Herman Morris

**City Engineer**

Re-appointment

Wain Gaskins

**Director of Finance**

Re-appointment

Roland McElrath

**Director of Fire Services**

Re-appointment

Alvin Benson

**Director of Housing and Community Development**

**Re-appointment**

Robert Lipscomb

**Director of Planning and Development**

**Re-appointment**

Richard Copeland

**Director of Police Services**

**Re-appointment**

Larry Godwin

**Director of Public Works**

**Re-appointment**

Dwan L. Gilliom

**ACTION TAKEN BY COUNCIL ON THIS DATE**

1. Held to February 23, 2010
2. Approved
3. Approved, as amended
4. and 5 – Approved
6. Approved, as amended
7. Through 11 – Approved
12. Approved, as amended
13. Dropped
14. Through 19 – Approved
20. Held to February 23, 2010
21. Approved

**ACTION TAKEN ON THE MINUTES OF JANUARY 26, 2010**

Approved, as amended



**ACTION TAKEN ON THE MINUTES OF FEBRUARY 9, 2010 FOR ITEM #11 and  
ITEM #21 ONLY:**

Approved, as amended. Set up as Special Item #5